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6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,
10
Plaintiff,

11 vs.

12 MICHAEL YOUNG,
13 Defendant.

)
) No. CR 07-559 JSW

) **MOTION AND [PROPOSED**
) **ORDER] TO SET BAIL HEARING**

) Date: July 25, 2008
) Time: 10:30 a.m.
) Court: The Honorable Joseph C. Spero
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16 Defendant Michael Young hereby moves the Court to schedule a bail review hearing in the
17 above captioned case. Mr. Young's case is currently pending before the Ninth Circuit Court of
18 Appeals on the government's interlocutory appeal of the district court's order granting a motion to
19 suppress critical evidence in the case. All briefing has been submitted to the Court of Appeals, but
20 the case has not yet been set for oral argument. A final decision from the Ninth Circuit is
21 accordingly not expected for several more months.

22 Mr. Young has been continuously incarcerated since early December, 2007. Since that time,
23 Mr. Young has undertaken a number of endeavors at the North County jail towards recovery. He has
24 completed the jail's DEUCE program, has nearly completed the Anger Management program. See
25 Exhibit A, Certificates of Michael Young, attached hereto. He also was awarded the Student of the
26 Month program in the Anger Management class on June 25, 2008. *Id.*

1 Mr. Young would like the opportunity to complete a residential treatment program while his
2 appeal is pending. He recognizes that he failed at the last opportunity this Court gave him to do so.
3 *See* Letter of Michael Young to the Court, attached hereto as Exhibit B. After spending some hard
4 time thinking over the last eight months in custody, Mr. Young believes that he is more prepared for
5 and eager about completing a treatment program at this point in his life than ever before. He now
6 asks the Court for a bail review hearing so he can make the request for release to a treatment
7 program in person and explain the reasons he will not fail again should the Court grant him the
8 opportunity to be screened for an appropriate treatment program in the near future.

9 AUSA Allison Danner has been contacted by defense counsel, and has no objection to setting a
10 bail review hearing on July 25, 2008. She has indicated to defense counsel that she will continue to
11 oppose Mr. Young's release.

12 WHEREFORE, defendant Michael Young respectfully requests this Court to set a bail review
13 hearing on July 25, 2008 at 10:30 a.m., for the purpose of seeking the Court's permission to be
14 screened through Pretrial Services for placement in a residential treatment program.

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16 Respectfully submitted,

17 BARRY J. PORTMAN
18 Federal Public Defender

19 /S/

20 ELIZABETH M. FALK
21 Assistant Federal Public Defender

22 **[PROPOSED] ORDER**

23 Based upon the aforementioned representations, it is hereby ORDERED that a further bail
24 hearing in this matter be set on July 25, 2008 at 10:30 a.m.

25 DATED: _____

26 THE HONORABLE JOSEPH C. SPERO
UNITED STATES MAGISTRATE COURT JUDGE